

LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST



Board of Adjustment

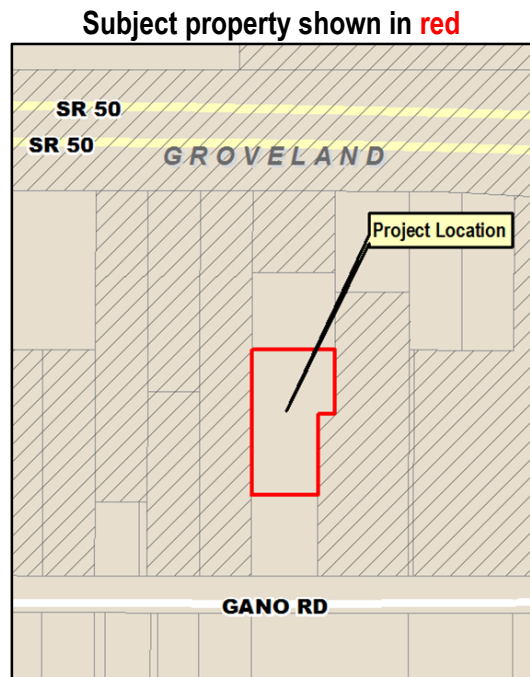
**LAKE COUNTY
FLORIDA**

November 12, 2015

VAR-15-19-1	Case Manager: Michele Janiszewski, Planner	Agenda Item #3
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REQUESTED ACTION: The applicant is requesting a variance from **Lake County Land Development Regulations Section 10.01.03.B.1.** and **Section 3.01.02.A.1.a.** to allow a single wide to be used as an accessory dwelling unit on a property less than an acre in size.

- Site Location and Information -



Owners	William Beckett, SR Life Estate
Applicant	Noah Beckett
Address of Property	7343 Gano Road, Groveland
General Location	South of State Road 50 in the Groveland area
Size	0.45 acres
Alternate Key	1327776
Future Land Use (FLU)	Green Swamp Ridge
Zoning District	Urban Residential (R-6)
Overlay Districts	Green Swamp ACSC
Joint Planning Area	NA
ISBA	Groveland
Flood Zone / FIRM Panel	X; 12069C0565E
Commissioner's District	1; Sullivan

Property Posted: October 22, 2015

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Green Swamp Ridge	Light Manufacturing (LM)	Single Family Residence
South	Green Swamp Ridge	Urban Residential (R-6)	Single Family Residence
East	City of Groveland	City of Groveland	Child Care (Quality Kid Care Learning Center)
West	City of Groveland	City of Groveland	Office, Warehousing (Griffin Concrete), and Vacant Commercial

-ANALYSIS-

The subject property is 0.45 +/- acres and is located south of State Road 50 in the Groveland area. The Lake County Geographic Information Services (GIS) wetland map indicate that there are no wetlands on the property; according to the 2012 Federal Emergency Management Agency (FEMA) maps, no portions of the lot lie within the 100-year flood zone. The property is zoned Urban Residential (R-6) and is part of the Green Swamp Ridge Future Land Use Category. The property is located within the Green Swamp Area of Critical State Concern. The property is currently developed with two mobile homes, utility building, and a carport.

In May of 2015, the owner applied for a building permit for a single family residence. The plot plan submitted to zoning showed the proposed 28 foot by 52 foot single family residence and a 65 foot by 16 foot single wide. The zoning permit was approved for the 28 by 52 foot replacement single family residence with the condition that the existing single family dwelling unit shall be removed 30 days after receiving the Certificate of Occupancy (CO). In August the owner was cited for placing a single wide on the property without permits.

The applicant is now applying for variances to Sections 10.01.03.B.1. and 3.01.02.A.1.a. to allow single wide to use as a single family residence in order to be used as an accessory dwelling unit on a property less than an acre in size. The applicant stated that the additional mobile home on the property is necessary to look after his father who is in poor health.

The **intent of the Code**, LDR Section 3.01.01, is to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan.

The **intent of the Code**, Section 10.01.03.A, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

The applicants submitted the following reasons as proof of **meeting the intent of the Code**:

“Need to look over ill father- doctor note with illnesses included. We replaced his older home with a newer model because his home was not livable to his needs, and was nearly unfixable.”

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

“Replaced two older homes with two newer model homes due to wear and tear and unlivable/unfixable means in older homes”

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. This request is consistent with LDR 10.01.03.A. which attempts to provide less expensive housing units for relatives; and
2. The applicant has submitted proof as hardship by submitting paperwork stating his that his father is in poor health thus needing additional assistance.

The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **approval** of the variance request to allow a single wide to be used as an accessory dwelling unit on a property less than an acre in size as long as it is removed within ten (10) years of the approval of this variance.



GROVELAND

TIMBER VILLAGE RD

50

SR 50

SR 50

**SUBJECT
PROPERTY**

EASTSIDE DR

GANO RD

MONTEVISTA RD

SOUTHSIDE DR

Final Development Order
Beckett Accessory Dwelling Unit
VAR-15-19-1

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Noah Beckett (the “Applicant”), on behalf of William Beckett, SR Life Estate (the “Owner”) requested a variance to Land Development Regulation (LDR) Section 10.01.03.B.1. and Section 3.01.02.A.1.a. to allow a single wide to be used as an accessory dwelling unit on a property less than an acre in size; and

WHEREAS, the subject property consists of 0.45+/- acres and is located south of State Road 50 in the Groveland area, in Section 20, Township 22 South, Range 25 East, Alternate Key Number 1327776 and is more particularly described below (hereinafter referred to as the “Property”):

The South 86.76 feet of the following described property: From a point on the West line of Lot 9, GROVELLA PARK, as recorded in Plat Book 6, Page 97, Public Records of Lake County, Florida, and the Southerly right of way line of State Road No. 50 (according to the State of Florida Department of Transportation right of way map Section 11070-2504) run South along the West line of Lot 9 a distance of 110 feet to the Point of Beginning of this description; thence run East 112 feet; thence run South to a point 86.76 feet South of the North line of Lot 29; thence run West 102 feet to the West line of Lot 28; thence run North along the West line of Lots 28 and 9 to the Point of Beginning. Along with the North 110 feet of the South 220 feet of Lot 28; and the West 19 feet of the North 110 feet of the South 220 feet of Lot 29, according to the Plat of GROVELLA PARK, as recorded in Plat Book 6, Page 97, Public Records of Lake County, Florida.

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on November 12, 2015; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on November 12, 2015, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Recitals: The foregoing recitals are true and correct and incorporated herein by reference.

VAR 15-19-1

Section 2. **Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-15-19-1 to allow a single wide to be used as an accessory dwelling unit on the subject property which is less than an acre in size with the condition that the accessory dwelling unit be removed within ten (10) years from the approval of this variance.

Section 3. **Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. **Effective Date. This Ordinance shall become effective as provided by law.**

ENACTED this 12th day of November, 2015.

EFFECTIVE November 12, 2015.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this November 12, 2015 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger